

Appl. No. : **09/836,855**
Filed : **April 16, 2001**

REMARKS

In this Office Action, Claims 1-14 stand rejected under 35 U.S.C. § 103 in view of U.S. Patent No. 4,388,689 issued to Hayman in combination with U.S. Patent No. 6,658,389 issued to Alpdemir and U.S. Patent No. 5,235,509 issued to Mueller. No claims are added, canceled, or amended herein. Accordingly, Claims 1-14 remain pending for consideration.

In rejecting Claims 1-14, the Examiner relies on the Alpdemir patent as teaching *inter alia* “a speech-to-text conversion engine” and “a text-to-speech conversion engine.” The rejection of Claims 1-14, however, cannot be maintained in view of the facts set forth in a declaration submitted herewith.

As the declaration establishes, Applicant conceived of claimed order system at least as early as March 12, 2000. Applicant and his attorneys also diligently worked to prepare a patent application from at least as early as March 12, 2000 until a provisional application, to which this application claims priority, was filed on April 14, 2000. Thus, Applicant’s conception date – which Applicant then followed with diligence leading to a constructive reduction to practice – precedes the filing date of the Alpdemir patent, the March 24, 2000 filing date. Accordingly, the Alpdemir patent does not constitute prior art under § 102(e).

Additionally, neither the Hayman patent nor the Mueller patent discloses a “text-to-speech synthesizer” or a “speech-to-text circuit” as recited in Claims 1, 2, and 3. Similarly, neither Hayman nor Mueller discloses “a speech recognition circuit” or a “speech synthesizer” as recited in Claim 5. Further, neither Hayman nor Mueller discloses “converting stored digital data . . . into synthesized speech” as recited in Claim 7 or “recognizing an audible command” as recited in Claim 10.

Thus, the attached declaration overcomes the rejection of independent Claims 1-3, 5, 7, and 10. The attached declaration also overcomes the rejection of dependent Claims 4, 6, 8, 9, and 11-14 for at least the reasons articulated with respect to the independent claims. Applicant thus respectfully requests reconsideration of these claims.

No Disclaimers or Disavowals

Although the present communication includes characterizations of claim scope and referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being

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made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Additionally, Applicant does not acquiesce to the Examiner's characterization of the applied references and reserves the right to later challenge the stated teachings of such references. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Additionally, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Applicant also has not presented arguments concerning whether the applied references can be properly combined in view of, among other things, the clearly missing elements noted above in the un-antedated prior art, and Applicant reserves the right to later contest whether a proper reason exists to combine these references as well as to later present facts and arguments supporting the non-obviousness of the claimed subject matter.

CONCLUSION

Applicant respectfully submits that the above rejections have been overcome and that the present application is now in condition for allowance. Therefore, the Applicant respectfully requests that the Examiner indicate that Claims 1-14 are allowable. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the Applicant's attorney in order to resolve such issue promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 9/21/07

By: Lauren J. Keller
Lauren J. Keller
Registration No. 56,553
Attorney of Record
Customer No. 20,995
(949) 760-0404

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